

Message Text

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ORIGIN EUR-12

INFO OCT-01 IO-13 ISO-00 H-02 SIL-01 L-03 SS-15 LAB-04

ERDA-05 CIAE-00 INR-07 NSAE-00 OIC-02 OMB-01 PA-01

PM-04 PRS-01 SAJ-01 SAM-01 SP-02 USIA-06 TRSE-00

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H-HNELSON

S/IL-DGOOD

L/EUR-JWILLIS

C-JMONTGOMERY

S/S - FVORTIZ

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FM SECSTATE WASHDC

TO ALL NATO CAPITALS

AMEMBASSY BELGRADE

AMEMBASSY BERN

AMEMBASSY BERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY DUBLIN

USMISSION GENEVA

AMEMBASSY HELSINKI

AMCONSUL LENINGRAD

AMEMBASSY MADRID

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AMCONSUL STRASBOURG

USMISSION USBERLIN

AMEMBASSY VALLETTA

AMEMBASSY VIENNA

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AMEMBASSY WARSAW

USMISSION EC BRUSSELS
USMISSION OECD PARIS
USDEL MBFR VIENNA

C O N F I D E N T I A L STATE 168409

E.O. 11652: GDS

TAGS: PFOR, CSCE

SUBJECT: CSCE: US REFUSAL OF VISAS TO COMMUNIST TRADE
UNION REPRESENTATIVES

REFS: (A) PARIS 19340 (NOTAL); (B) STATE 53991

1. REF A REQUESTS GUIDANCE TO RESPOND TO QUESTIONERS WHO
EQUATE US REFUSAL OF VISAS TO COMMUNIST LABOR REPRESENTA-
TIVES AND TO COMMUNIST PARTY MEMBERS WITH VISA REFUSALS BY
USSR AND OTHER COMMUNIST COUNTRIES, AND WHO BELIEVE US AND
EASTERN PRACTICE ARE BOTH CONTRARY TO PROVISIONS OF CSCE
FINAL ACT.

2. YOU SHOULD DRAW ON PARA 8, STATE 53991, WHICH PROVIDES
GUIDANCE ON VARIOUS CSCE ISSUES, IN DISCUSSING CSCE AND
US VISA REFUSALS TO CERTAIN COMMUNIST GROUPS. ADDITIONALLY,
YOU SHOULD NOTE THAT OTHER CSCE COUNTRIES PRESUMABLY HAVE
REGULATIONS WHICH CONTROL VISA ISSUANCE AND PROVIDE FOR
REFUSAL OF VISAS IN CERTAIN CASES.

3. CONCERNING WIDELY PUBLICIZED RECENT US REFUSAL OF VISAS
TO SOVIET TRADE UNION REPRESENTATIVES, YOU MAY DRAW ON
FOLLOWING LETTER (NON-SUBSTANTIVE PARAGRAPHS OMITTED) WHICH
DEPARTMENT HAS SENT TO GROUP OF MEMBERS OF CONGRESS

WHO PROTESTED REFUSAL. POSITION OUTLINED IN LETTER ALSO
APPLIES GENERALLY TO COMMUNIST TRADE UNION REPRESENTA-
TIVES IN CSCE COUNTRIES OTHER THAN USSR.

4. BEGIN TEXT
I WOULD FIRST LIKE TO EXPLAIN OUR POLICY CON-
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CERNING ADMISSION OF COMMUNIST LABOR REPRESENTATIVES.
UNDER THE IMMIGRATION AND NATIONALITY ACT, MEMBERS OF
COMMUNIST ORGANIZATIONS ARE INELIGIBLE FOR NON-DIPLOMATIC
CATEGORIES OF VISAS TO ENTER THE UNITED STATES. AS A
CONSEQUENCE, THE DEPARTMENT OF STATE MUST RECOMMEND TO
THE DEPARTMENT OF JUSTICE A WAIVER OF INELIGIBILITY
BEFORE A VISA CAN BE ISSUED. SUCH A RECOMMENDATION
CONSTITUTES A JUDGMENT BY THE DEPARTMENT OF STATE THAT

ADMISSION OF THE INDIVIDUAL WOULD SERVE THE NATIONAL INTEREST. IT IS A LONG ESTABLISHED ELEMENT OF OUR FOREIGN POLICY NOT TO RECOMMEND WAIVERS OF VISA INELIGIBILITY IN SUCH CASES ON THE GROUNDS THAT LABOR EXCHANGES WITH COMMUNIST LABOR REPRESENTATIVES WOULD EQUATE OUR FREE AND VOLUNTARY TRADE UNIONS WITH THE GOVERNMENT-CONTROLLED LABOR ORGANIZATIONS OF THE USSR. THESE SOVIET ORGANIZATIONS ARE OBVIOUSLY SUBJECT TO THE DISCIPLINE OF THE COMMUNIST PARTY, AS WELL AS OF THE SOVIET GOVERNMENT, AND SEEK TO PROJECT SUCH DISCIPLINE INTO THE FIELD OF INTERNATIONAL LABOR.

IN ACTING UPON SUCH VISA APPLICATIONS WE TAKE THE VIEWS OF THE MAINSTREAM OF THE AMERICAN LABOR MOVEMENT INTO ACCOUNT. THE NATIONAL AFL-CIO, AS YOU DOUBTLESS KNOW, IS CLEARLY OPPOSED TO SUCH EXCHANGES.

WITH REGARD TO YOUR QUESTION CONCERNING THE CSCE FINAL ACT, THE PROVISIONS OF THE DOCUMENT RECOGNIZE THE RIGHTS OF STATES TO DETERMINE THEIR OWN LAWS. THE FINAL ACT IS NOT A TREATY OR AN AGREEMENT AND DOES NOT AFFECT EXISTING US LAW--IN THIS CASE, THE IMMIGRATION AND NATIONALITY ACT. WE, OF COURSE, SUPPORT THE CSCE PROVISIONS WHICH GENERALLY PROMOTE TRAVEL AND CONTACT AMONG INDIVIDUALS AND ORGANIZATIONS AND EXPECT OTHER CSCE SIGNATORIES TO DO SO. THERE IS, HOWEVER, NO SPECIFIC REFERENCE IN THE DOCUMENT TO TRAVEL AND CONTACTS AMONG LABOR REPRESENTATIVES. THE QUESTION OF INCLUDING PROVISION FOR CONTACTS AND EXCHANGES IN THE LABOR FIELD WAS RAISED AND DISCUSSED DURING THE CSCE NEGOTIATIONS. IN SIGNING THE AGREEMENT ALL THE PARTICIPANTS WERE THEN AWARE OF OUR LONG-STANDING POLICY AND THEY ACCEPTED OUR POSITION AGAINST INCLUSION OF ANY REFERENCE TO SUCH EXCHANGES. THE SOVIETS HAD EARLIER KNOWLEDGE OF OUR POLICY ON LABOR EXCHANGES IN CONNECTION WITH OUR CULTURAL-CONFIDENTIAL

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EXCHANGE AGREEMENTS IN WHICH WE HAVE ALSO AVOIDED INCLUDING

PROVISION FOR EXCHANGES IN THE LABOR FIELD. THEY WERE THEREFORE UNDER NO ILLUSIONS ABOUT OUR POLICY WHEN THEY DECIDED TO HAVE THEIR LABOR OFFICIALS APPLY FOR VISAS IN THESE CASES.

WE CONSIDER THAT THE CSCE FINAL ACT OBLIGATES THE SIGNATORY STATES TO PROMOTE THE GOALS AND INTENTIONS EXPRESSED IN THE DOCUMENT. OUR PERFORMANCE MEASURES UP TO OR EXCEEDS THE PERFORMANCE OF ANY COUNTRY. WE DO NOT CONSIDER THAT THE DENIAL OF VISAS TO THE SOVIET LABOR REPRESENTATIVES IN ANY WAY DIMINISHES OUR EFFORTS TO ENCOURAGE THE SOVIET UNION TO IMPROVE ITS PERFORMANCE IN THE AREA OF HUMAN RIGHTS EMBODIED IN THE "BASKET THREE" PROVISIONS OF THE FINAL ACT. WE HAVE MADE SEVERAL

APPROACHES IN MOSCOW IN THIS REGARD, AND WE WILL CONTINUE
TO DO SO.
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